

Message Text

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73

ACTION EUR-12

INFO OCT-01 IO-13 ISO-00 CIAE-00 DODE-00 PM-04 H-02 INR-07

L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06

SAJ-01 TRSE-00 ACDA-07 EURE-00 /080 W

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P R 301959Z SEP 76

FM AMEMBASSY BONN

TO SECSTATE WASHDC PRIORITY 2247

INFO USMISSION USUN NEW YORK

USMISSION USBERLIN

AMEMBASSY BERLIN

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

USMISSION NATO BRUSSELS

C O N F I D E N T I A L SECTION 01 OF 02 BONN 16621

E.O. 11652: GDS

TAGS: PFOR PGOV UNSC WB GW US UK FR UR

SUBJECT: POSSIBLE SOVIET OBJECTION TO /RG REPRESENTATION OF BERLIN INTERESTS IN UN SECURITY COUNCIL

BEGIN SUMMARY. THE BONN GROUP HAS REACHED AD REF AGREEMENT ON A RESPONSE WHICH ALLIED REPRESENTATIVES IN THE UN MIGHT MAKE TO AN ORAL SOVIET CLAIM THAT THE FRG IS NOT COMPETENT TO REPRESENT THE INTERESTS OF WEST BERLIN IN THE SECURITY COUNCIL. THE DEPARTMENT'S APPROVAL IS REQUESTED. END SUMMARY.

1. IN RESPONSE TO AN FRG REQUEST, THE BONN GROUP HAS DISCUSSED CONTINGENCY MEASURES FOR DEALING WITH A BERLIN ISSUE WHICH THE SOVIETS MIGHT RAISE IN CONNECTION WITH THE ELECTION OF THE FRG TO MEMBERSHIP ON THE SECURITY COUNCIL.

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2. THE FRG REQUEST WAS CONTAINED IN A MEMORANDUM

DISTRIBUTED IN THE BONN GROUP ON AUGUST 10, COPIES OF WHICH WERE POUCHED TO THE DEPARTMENT AND USBER AS AN ATTACHMENT TO NOTES ON THE AUGUST 10 BONN GROUP MEETING. RECALLING THE JUNE 26, 1973 LETTER FROM MALIK INCIDENT TO FRG ENTRY INTO THE UN (73 USUN 2392), THE FRG MEMO FORESAW SEVERAL POSSIBILITIES FOR SOVIET INTERVENTION -- AT THE TIME OF THE ELECTION OR THE SEATING OF NEW MEMBERS OF THE UNSC, OR IN CONNECTION WITH A SPECIFIC ISSUE BEFORE THE COUNCIL.

IT RECOGNIZED THAT IN CERTAIN CIRCUMSTANCES (IF THE UNSC WERE SEIZED OF A MATTER WHICH COULD IN FACT AFFECT THE SECURITY AND STATUS OF BERLIN) IT WOULD BE THE THREE ALLIES AND NOT THE FRG WHICH WOULD REPRESENT THE INTERESTS OF BERLIN.

3. IN SUBSEQUENT DISCUSSION, MEMBERS OF THE BONN GROUP WERE OF THE OPINION THAT IT WOULD BE PREMATURE TO ATTEMPT TO PREPARE CONTINGENCY GUIDANCE FOR A SOVIET DEMARCHE ON A SPECIFIC UNSC ISSUE. THEY AGREED, HOWEVER, THAT ALLIED PERMREPS SHOULD BE PREPARED TO MAKE AN ON-THE-SPOT REPLY IF THE SOVIETS WERE TO CLAIM GENERALLY THAT THE FRG COULD NOT REPRESENT BERLIN INTERESTS IN THE SECURITY COUNCIL. THE MORE LIKELY TIME FOR SUCH A SOVIET STATEMENT WOULD BE IN JANUARY, WHEN THE FRG UNDERSTANDS THE SOVIET PERMREP WILL BE IN THE CHAIR AND THEREFORE WILL BE THE ONE TO WELCOME NEW MEMBERS. BECAUSE A SOVIET INTERVENTION COULD ALSO BE MADE, PERHAPS ON A POINT OF ORDER, WHEN NEW MEMBERS ARE ELECTED IN OCTOBER, THE FRG HAS URGED SPEED IN OBTAINING AGREEMENT TO A REPLY WHICH ALLIED PERMREPS COULD USE AT THAT TIME.

4. IN A SENSE, IT MIGHT BE ARGUED THAT A SOVIET OBJECTION WOULD BE IRRELEVANT, ON THE THEORY THAT UNDER ARTICLE 24 OF THE CHARTER UNSC MEMBERS DO NOT REPRESENT ANY SPECIFIC TERRITORY BUT REPRESENT ALL MEMBERS OF THE UN. IN THE VIEW OF THE BONN GROUP, HOWEVER, IT WOULD BE PREFERABLE NOT TO BASE A REPLY ON SUCH AN ARGUMENT BUT RATHER TO REAFFIRM PREVIOUS ALLIED ACTIONS WHICH AUTHORIZE THE FRG TO REPRESENT

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THE INTERESTS OF WEST BERLIN IN THE UN AND ITS SUBSIDIARY ORGANS. THIS AUTHORIZATION WAS EXPRESSED IN BKC/L(73)1 AND WAS REITERATED IN THE ALLIED REPLY TO THE 1973 MALIK LETTER.

5. IN THE SEPTEMBER 30 BONN GROUP MEETING, AD REF AGREEMENT WAS REACHED ON A STATEMENT WHICH MIGHT BE USED BY ONE OR MORE ALLIED PERMREPS AS AN ON-THE-SPOT

REPLY TO AN ORAL SOVIET INTERVENTION. SHOULD A SOVIET
OBJECTION BE STATED IN WRITING, A FULLER WRITTEN
REPLY WOULD BE DEVELOPED IN THE BONN GROUP FOR CONSIDER-
ATION BY CAPITALS.

6. TEXT OF THE AD REF REPLY FOLLOWS:

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C O N F I D E N T I A L SECTION 02 OF 02 BONN 16621

BEGIN TEXT

A. WITH REFERENCE TO THE REMARKS BY THE PERMANENT
REPRESENTATIVE OF THE USSR, ON BEHALF OF THE GOVERNMENTS
OF THE UNITED STATES, FRANCE, AND THE UNITED KINGDOM I
WOULD LIKE TO RECALL AND REAFFIRM THE CONTENTS OF THE
LETTER WHICH THE PERMANENT REPRESENTATIVES OF THE
UNITED STATES, FRANCE, AND THE UNITED KINGDOM SENT ON
DECEMBER 7, 1973 TO THE SECRETARY GENERAL OF THE UNITED

NATIONS (A/9431, S/11150). IN PARTICULAR, I WOULD LIKE
TO STATE THE FOLLOWING:

B. PURSUANT TO THEIR RIGHTS AND RESPONSIBILITIES
RELATING TO BERLIN AND ON CONDITION THAT QUESTIONS OF
SECURITY AND STATUS ARE NOT AFFECTED, THE THREE POWERS
HAVE AGREED TO THE ASSUMPTION BY THE FEDERAL REPUBLIC
OF GERMANY OF THE RIGHTS AND OBLIGATIONS OF THE CHARTER
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OF THE UNITED NATIONS ALSO WITH RESPECT TO THE WESTERN
SECTORS OF BERLIN AND HAVE APPROVED THE REPRESENTATION
OF THE INTERESTS OF THE WESTERN SECTORS OF BERLIN BY
THE FEDERAL REPUBLIC OF GERMANY IN THE UNITED NATIONS
AND IN ITS SUBSIDIARY ORGANS.

C. THIS AGREEMENT APPLIES TO ALL RIGHTS AND
OBLIGATIONS OF THE CHARTER, INCLUDING THE POWERS AND
FUNCTIONS WHICH IT GIVES TO MEMBERS OF THE SECURITY
COUNCIL, PROVIDED THAT MATTERS OF SECURITY AND STATUS
RELATING TO ALLIED RIGHTS AND RESPONSIBILITIES IN
BERLIN ARE NOT AFFECTED.

END TEXT

7. COMMENT: PARA (B) OF THE ABOVE TEXT IS A DIRECT
QUOTE FROM THE REPLY TO THE 1973 MALIK LETTER. PARA (C)
IS NEW AND IS DESIGNED TO MAKE TWO POINTS -- THAT THE
UNSC WAS INCLUDED AS AMONG THE "SUBSIDIARY ORGANS" OF
THE UN, AND THAT "SECURITY AND STATUS" AS USED IN THE
QUADRIPARTITE AGREEMENT AND OTHER BERLIN TERMINOLOGY
APPLIES ONLY TO THE SECURITY AND STATUS OF BERLIN AND
NOT TO SECURITY MATTERS IN GENERAL.
THE FRG REP HAS EXPRESSED THE HOPE THAT REACTIONS FROM
CAPITALS TO THE ABOVE TEXT AND TO THE PROPOSAL THAT
ALLIED PERMREPS BE PROVIDED WITH INSTRUCTIONS FOR ON-
THE-SPOT REPLIES WILL BE AVAILABLE BY THE OCTOBER 5
BONN GROUP MEETING.

8. ACTION REQUESTED: REQUEST APPROVAL OF THE TEXT
IN PARA 6 ABOVE.
HILLENBRAND

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